

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

MARK PANNEK, et al.,

: Case No. 1:19-cv-00852

Plaintiffs,

: Judge Matthew W. McFarland

v.

U.S. BANK NATIONAL ASSOCIATION,

Defendant.

: DECLARATION OF MARK  
: PANNEK IN SUPPORT OF  
: PLAINTIFFS' MOTION IN  
: OPPOSITION TO SUMMARY  
: JUDGMENT

:

I, Mark Pannek, hereby certify pursuant to 28 U.S.C. § 1746 that the statements set forth below are true and correct to the best of my knowledge, information and belief:

1. I have personal knowledge of the information presented herein.
2. I worked for U.S. Bank National Association from August 2017 until May 2018.
3. At the time of my hire I had over thirty-five years in Governance, Risk, and Compliance directly within the banking industry, and was widely regarded as an expert in Third Party Risk Management best practices and implemented similar programs for other Tier 1 financial institutions, including JP Morgan Chase Bank, Citi Bank, Fidelity, among others. I have attached a copy of my resume (Attachment 1), which includes positions I worked at from 1997-2017.
4. I was recruited by Thomas Strotman, who remained my direct supervisor from August until approximately November 2017.
5. After starting with the Bank, I immediately began addressing the known deficiencies in Third Party Risk Management. I prioritized the Third Parties by criticality to U.S. Bank. I then re-aligned the Third Party Risk team to schedule and perform control due diligence reviews of the Third Parties by criticality, greatly improving the efficiency of managing risks to U.S. Bank.
6. While at the bank, I also broaden the scope of the Due Diligence reviews to include controls around information risk and protecting U.S. Bank's PII (Personally Identifiable Information) and other highly restricted data (e.g., Intellectual Property).
7. While at the bank, I also introduced and implemented real time monitoring of the most critical vendors, leveraging the PESTLE Framework (Political, Economic, Sociocultural, Technological, Legal, and Environmental), permitting U.S. Bank to proactively identify and manage previously unknown third party risk.

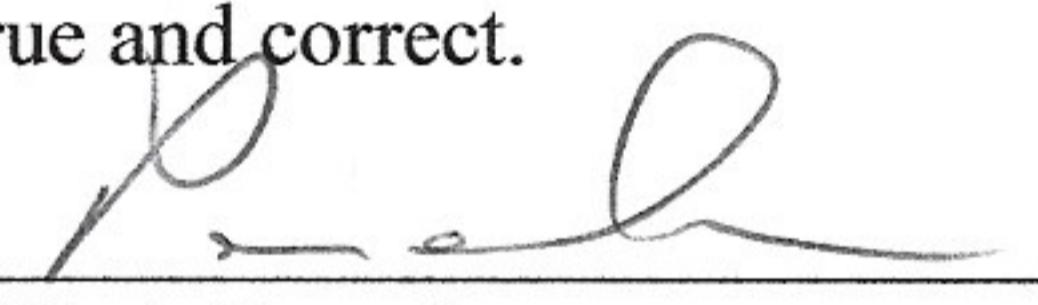
My efforts at U.S. Bank were critical in successfully resolving the outstanding OCC concerns and addressing internal concerns from the risk, control, and audit groups.

8. I deny Bryan Bolton's contention regarding tension with Rachel Votel. I am not aware of any issues that Ms. Votel had with me nor that I had with her, nor have I acted in an unprofessional manner towards her during our meetings or otherwise. I do not recall ever being rude to Ms. Votel during a call or otherwise.

9. I am aware of the testimony of Lydia Buster in this litigation, and deny having any conversations with her surrounding my ethics line complaint. I also deny having ever referred to my ethics hotline complaint as an "insurance policy" to Lydia Buster, or stating anything of that nature.

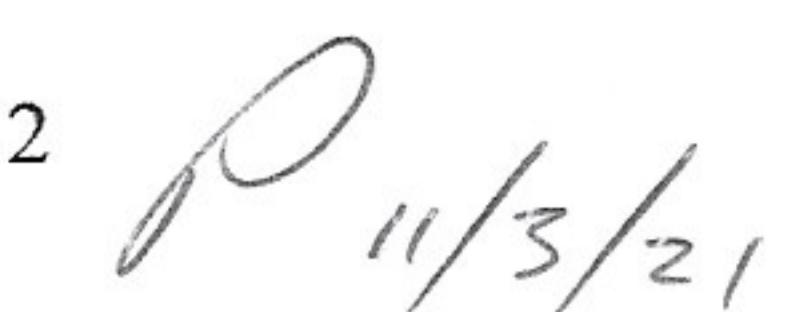
10. At the time of my termination, there were two open positions within Bryan Bolton's team. Based upon my review of the position openings and what I understood about the positions during my employment at U.S. Bank, I was absolutely qualified to hold either position.

I declare under penalty of perjury that the foregoing is true and correct.



Mark Pannek

Dated: 11/3/21

<sup>2</sup>   
11/3/21

## Mark Pannek

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 Liberty Township, Ohio 45011  
 (513) 379-8493  
 mark.pannek@fuse.net

**Summary** MBA with Senior Management, Risk, Compliance, Audit, and Third Party Risk (Domestic / International) experience. My skill set includes Management, IT Risk, Operational Risk, Financial Risk, Third Party Risk Management, Third Party Due Diligence, Third Party Regulatory Compliance, Privacy, Control Environment Reviews, Regulatory Compliance (e.g. GLBA, HIPAA, Sarbanes-Oxley etc.), P&L Responsibility, Information Security, & Audit. Qualified expertise providing Strategic Leadership, Directing Global & Domestic IT Risk and Third Party / Vendor Risk Programs.

**Work Experience** **VP – Business Technology Control Group Manager** **8/2017 – current**  
 U.S. Bank

- Leadership of Third Party Oversight Group for Lending Services
  - Third Party On-Boarding Due Diligence, Suspensions, and Terminations
  - Ongoing management / monitoring of Third Parties (e.g. Regulatory, Contractual, Performance, Controls)
  - Strategic Management of Third Party Network Size, Coverage, and Selection
- Leadership of Data Loss Prevention and Tool Risk Governance
  - Review of PII in motion, storage, and disposal
  - Protocols, Encryption, and configuration of Data Transmissions In/Out
- Leadership of Governance and Control Program Infrastructure
  - Development, configuration, and implementation of robotics and control automation
  - Environmental & Infrastructure Analysis -- AI (e.g. Voice Analytics)

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**IT Standards & Compliance Leader** **2/2014 – 8/2017**  
**Synchrony Financial (Formerly GE Capital)**

- Identified and resolved Regulatory IT Compliance issues associated with GE's IPO of Synchrony Financial
- Advised on IT Compliance related matters associated with de-coupling systems from GE and standing up new systems associated with GE's IPO of Synchrony Financial
- Managed OCC IT Regulatory Exams and MRA's
- IT Risk Program Management - 3rd Party Service Provider
- Developed and implemented numerous IT Policies, Standards, and Procedures (ie. Change Management, Project Management, Info Security, Third Party, etc)

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**Governance, Risk, & Compliance (GRC) Executive Consultant** **3/2012 – 2/2014**  
**Tier I – Financial & Healthcare (on Contract: Citi Bank, CareSource)**

- Developed & Directed Third Party Risk Program including Control Assessments, Enterprise Policies and Standards, Real-Time Monitoring of Vendors, Tracking, and Reporting
- Resolved Regulatory MRAs and compliance gaps with for Tier I Financial Institutions regarding Global Third Party Risk Program of 20,000+ Vendors
- Directed numerous HIPAA Compliance initiatives

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**Enterprise Risk & Governance, Principal Leader** **10/2010 – 03/2012**  
**Computer Science Corporation (CSC), Beavercreek OH**

USAF Expeditionary Logistics for the 21<sup>st</sup> Century (E-Log21) is one of the largest military contracts in the US focused on modernization of the US Air Force logistics & material infrastructures.

- Risk Management (Financial, Program, & Technology) -- Identification, Analysis, and Mitigation
- COOP - Continuity of Operations Planning (Disaster Recovery/Business Continuity) with NWRM (Nuclear Weapons Related Material) considerations
- Outsource Service Provider (OSP) / 3rd Party Service Provider - IT Risk Program Management
  - Directed Joint (AF/CSC) OSP/3<sup>rd</sup> Party IT Risk Program
  - Strategic Oversight and execution of 3<sup>rd</sup> Party Providers Due Diligence & Ongoing IT Risk Reviews

## Mark Pannek

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(513) 379-8493  
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- Coordinated and Conducted Briefings & Status Meetings for Top Level Department of Defense (DOD), Pentagon, & Air Force (MGen., BGGen., Col.) Leadership
- Served as Co-Chair on Joint Risk Review Board providing oversight for AF/CSC Risk Mgt Program

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**Risk Management - Institutional Advisory Services** 04/2005 ~ 10/2010  
**Enterprise Risk Management, Cincinnati OH**

- Provided professional Enterprise Risk Management advisory services, specializing in Operational Risk, Financial Risk, & IT Risk. Client concentration in Large Cap US Financial Institutions.
- Design, Developed, Implemented Strategic OSP/3<sup>rd</sup> Party IT Risk Programs for various Institutions
- Ensured Regulatory Compliance (both domestic and International) for OSP/3<sup>rd</sup> Party Service Providers
- Managed Global Team responsible for IT Risk associated with OSP both Domestic & International

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**Vice President, Enterprise Risk Management** 12/2003 - 4/2005  
**Fifth Third Bank, Cincinnati OH**

- Enterprise responsibility for directing IT Risk Governance program for bank, which included Operational & IT Risk Management, Info Security, Loan Operations, Fraud Management, Outside Service Providers (OSP's).
- Outsource Service Provider (OSP) / 3<sup>rd</sup> Party Service Provider - IT Risk Program Management
  - Directed the Enterprise Vendor IT Risk Program for OSP/3<sup>rd</sup> Party
  - Strategic Oversight and execution of OSP / 3<sup>rd</sup> Party Providers Due Diligence & Ongoing IT Risk Reviews
  - Ensured Regulatory Compliance (both domestic and International) for OSP/3<sup>rd</sup> Party Service Providers

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**Vice President, IT Risk Management** 9/1997 - 12/2003  
**JP Morgan Chase, Dallas TX**

- Global responsibility for IT Control Governance program for Investor Services Division
- Managed IT Risk associated with JP Morgan Chase Investor Services applications used in the daily settlement & clearance of \$1 Billion in Securities.
- Strategic Oversight and Escalation for recovery efforts associated with World Trade Center Tragedy for GIS.
- Outsource Service Provider (OSP) / 3<sup>rd</sup> Party Service Provider - IT Risk Program Management
  - Design, Developed, Implemented the Strategic OSP/3<sup>rd</sup> Party IT Risk Program for Investor Services
  - Directed Global Team responsible for IT Risk associated with OSPs both Domestic & International

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<b>Education</b>	<b>Amberton University, Dallas, TX</b>	<b>9/1997 - 12/2003</b>
	▪ BA (GPA = 3.75 / 4.0)	
	<b>Amberton University / MBA, Dallas, Texas</b>	
	▪ MBA, Strategic Leadership (GPA = 3.55 / 4.0)	

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<b>Skills</b>	<ul style="list-style-type: none"> <li>- Banking</li> <li>- Business Continuity</li> <li>- Compliance</li> <li>- Consumer Loan Ops</li> <li>- Disaster Recovery</li> <li>- Enterprise Risk</li> <li>- FFIEC</li> <li>- Fraud Management</li> <li>- GLBA</li> <li>- HIPAA</li> <li>- Information Security</li> <li>- International Risk Mgt</li> <li>- IT Risk</li> <li>- Management</li> <li>- Mortgage Loan Operations</li> <li>- Negotiations</li> <li>- Operational Risk</li> <li>- Outside Service Providers</li> <li>- Due Diligence</li> <li>- Outsourcing</li> <li>- Privacy</li> <li>- Profit &amp; Loss Mgt</li> <li>- Regulatory Compliance</li> <li>- Risk Management</li> <li>- SSAE-16 / ISAE-3402</li> <li>- SDLC - Change Mgt</li> <li>- Strategic Leadership</li> <li>- Systems</li> <li>- Third Party Risk Mgt</li> <li>- Vendor Risk Mgt</li> </ul>
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